BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, October 21, 2004

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, October 21, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Blackwell, II Erminia Ramirez Jim Holley Megan Norris Willie Hampton

Department Personnel Present

Chief Ella M. Bully-Cummings AC Walter Shoulders 2nd DC Gloria Robinson Cmdr. Walter Martin Cmdr. Ralph Godbee Insp. Jamie Fields Sgt. Debbie Jackson PO Mike Woody PO Erica Ricketts

Board Staff Present

Dante' L. Goss, Executive Director E. Lynise Bryant-Weekes, Personnel Director Denise R. Hooks, Attorney/Supervising Inv. Arnold Sheard, Interim Chief Investigator

OTHERS PRESENT

Ron Scott
June Lee
John Goldpaugh
James Tate

RECORDERS

Jerome Adams Kellie Williams

1. CALL TO ORDER

Chairperson Blackwell called the regular meeting of the Detroit Board of Police Commissioners to order at 3:21 p.m.

2. APPROVAL OF MINUTES

♦ Thursday, October 14, 2004

MOTION: Comm. Holley made the motion to approve the above

Minutes.

SECOND: Comm. Norris seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

October 12, 2004

Board of Police Commissioners City of Detroit 1300 Beaubien, Suite 328 Detroit, Michigan 48226

SUBJECT: REQUEST FOR THE APPOINTMENT OF MR. JAMES E. TATE, JR., AS SECOND DEPUTY CHIEF, OFFICE OF

PUBLIC INFORMATION

Dear Board Members:

The position of Second Deputy Chief of the Office of Pubic Information for the Police Department was vacated in February 2004, due to the resignation of Ms. Tara Dunlop. The Office of Public Information (PIO) performs an essential function for the Department. It serves as the conduit

for the gathering and release of information to the news media and the public at large.

Mr. James Tate was temporarily assigned to facilitate the operations at PIO, on June 24, 2004. Mr. Tate possesses the requisites and has clearly demonstrated the capacity and qualities required to lead PIO. During his brief tenure at PIO, Mr. Tate has gained the respect and developed a very close working relationship with the civilian and sworn members of the Police Department. This is crucial to ensure that accurate information is disseminated and that the confidentiality of ongoing investigations and legal proceedings are not compromised. He has also developed a positive, professional relationship with the media—having been successful in portraying the Police Department in a positive light on several occasions.

After earning a Bachelor of Arts Degree in Communications, Radio, and Television from Wayne State University in 1998, Mr. Tate worked for WXYZ-TV, Channel 7 News, as an Assignment Editor. He was hired by the City of Detroit in August 2003, as a Communications Coordinator for the Mayor's Office.

It is requested that Mr. Tate be appointed to the Police Department to serve as the Second Deputy Chief in charge of the Office of Public Information, retroactive to September 27, 2004. Mr. Tate has become a viable member of the leadership staff. I am sure he will continue to be an asset to the Department as we strive to communicate the appropriate information to the public and to improve the image of the Police Department as perceived by the community we serve and the world. I have received approval to release Mr. Tate from his current position at the Mayor's Office, should he receive favorable consideration for the position at the Office of Public Information. Your concurrence given to this request would be greatly appreciated.

Should you have any questions or concerns, I am available at your convenience.

Sincerely,

/s/ELLA M. BULLY-CUMMINGSChief of Police

EMB-C:jyb

Enclosure: Resume

JAMES EDWARD TATE, JR.

EDUCATION

WAYNE STATE UNIVERSITY

DETROIT, MICHIGAN

Bachelor of Arts in Communications, Radio/TV

May 1998

EXPERIENCE

CITY OF DETROIT - MAYOR'S OFFICE

DETROIT, MICHIGAN

Communications Coordinator

August 2003 - Present

Monitor local media for events concerning the City of Detroit and city services. Orchestrate press conferences for Mayor Kwame M. Kilpatrick as well as press conferences for various departments within the City of Detroit. Release statements to media on behalf of the City of Detroit. Compose press releases for various departments within the City of Detroit. Effort media coverage on events related to various departments within the City of Detroit with the emphasis on promoting a positive image for the city.

CHANNEL 7 NEWS - WXYZ TV

SOUTHFIELD, MICHIGAN

Assignment Editor February 1998 - August 2003

Monitored local Police, Fire and EMS scanners. Found
stories for the newscasts, targeting exclusives.

Directed reporters and videographers to the location
of coverage scene. Set up interviews. Assisted
viewers who call in tips, complaints or questions.
Assisted on-air guests of the newscast.

METRO SHADOW BROADCAST - DETROIT

SOUTHFIELD, MICHIGAN

Traffic Reporter WJR Radio January 2001- June 2002
On Air Talent. Provided live traffic reports
throughout the day.

PROFESSIONAL AND COMMUNITY AFFILIATIONS

- Elected Wayne County Precinct Delegate 2004
- Wayne State University Alumni Association

AWARDS AND HONORS

- National Academy of Television Arts and Sciences Emmy for "Best Newscast" in 2001
- Featured Panelist Wayne State University College of Journalism "Ethics in Journalism"
- Featured Panelist Wayne State University Project 350 Alumni Graduation

MOTION: Comm. Holley made the motion to approve the

Appointment.

SECOND: Comm. Ramirez seconded the motion.

VOTE: All in attendance voted in the affirmative.

Vice-Chairperson Ramirez asked will you be performing all of the duties of Ms. Dunlap?

Mr. Tate stated yes.

Chairperson Blackwell congratulated Mr. Tate. He asked, "Mr. Tate to give a brief overview of some of your duties?"

Mr. Tate stated in Public Info we are responsible for giving out the proper information on what is going on within the Detroit Police Department. We are trying to make sure that the public and the news media know the proper respect of what is going on within the city of Detroit, as well as, within the Detroit Police Department. So, I am targeting more non-negative and more positive stories within the police department.

Comm. Holley asked does he have any relationship with us? Does he do anything for us?

Comm. Norris stated no, he works for the department. He is not a commissioned employee. We have to approve appointments at his level.

Comm. Holley asked do we have anybody like him that works for us?

Comm. Norris stated no.

Chairperson Blackwell stated I think he does work with us, since we do work with the police department and the Mayor's Office. His specific role is with the sworn officers as well as the Assistant Chief, Deputy Chief and others.

Vice-Chairperson Ramirez asked what is the difference between a 2nd Deputy Chief and a 3rd Deputy Chief?

AC Shoulders stated a 2nd Deputy Chief would be equivalent to the rank of Commander and a 3rd Deputy Chief is equivalent to the rank of Inspector in the Detroit Police Department. Except, an inspector or a commander are sworn positions and 2nd Deputy and 3rd Deputy Chief are civilian appointed positions.

Vice-Chairperson Ramirez asked was Ms. Dunlap a 3rd Deputy Chief?

AC Shoulders stated yes.

Vice-Chairperson Ramirez asked is Mr. Tate going to be doing the same thing that Ms. Dunlap did?

AC Shoulders stated yes.

Vice-Chairperson Ramirez stated it still is not clear.

AC Shoulders stated all we had always had second deputy chiefs and other people. He has been working with the Chief and the department for about 5 or 6 months and has done a very good job. We have had 2nd Deputy Chief Paula Bridges and 2nd Deputy Chief Jeff Clarkston. So, they bring them in at one level, but he has been here for over 5 months.

Vice-Chairperson Ramirez asked is there a major impact on the budget?

AC Shoulders stated no, it was already in there.

4. <u>SECRETARY'S REPORT – EXECUTIVE DIRECTOR</u> GOSS

RESERVED ORAL ARGUMENTS

Police Officer Raymond Soto, Badge 1697, assigned to the Ninth Precinct (Suspension read on October 14, 2004).

Atty. Goldpaugh stated last week I received a petition, with respect of Officer Soto. It is my understanding that the petition was read at the community meeting last week. I had contacted the Office of the Chief Investigator that we've been able to appear last week so I have been asking that we reserve our argue today, and I appreciate the Board doing that today. I guess when we

reserve the right to come before the Board and make oral argument this week: I anticipated that we have more than just the mere allegations against Officer Soto and that's still all that we have. We have allegations that he supposedly possessed a firearm while he was intoxicated. And we have allegations that he supposedly fired his weapon. So we also had a state, well were going to submit a warrant so you don't have to worry about it. I'll be guite honest with you, there is no warrant. Know I bring this to your attention because we have had this discussion before. Where the petitions are filed by the department to change a suspension for without pay, and one of thee arguments that has always been presented, first of all by thee on behalf of the officer was that in past practices and we've talked about that over and over whenever a felony warrant has been charged its always been deemed that this was the type of allegation for the type of misconduct. Which would have an adverse affect on an individual who is continuing their employment with the Detroit Police Department, with this hanging over their head. And so we never argue on felons until the recent past and Chief Ella Bully- Cummings predecessors. There were never any attempts to try and suspend when an individual was charged with a misdemeanor. And it was only when Chief Oliver came that we then came and argued that based on a misdemeanor that there should not be suspension. This board in some occasions would get grants with petition. And others would not grant the petition. More interestingly on a number of occasions the department picked and chose who they wanted to bring before the board to suspend. One, for example, was Police Officer Jamarie McEntire. He was charged with assault misdemeanor, and then he was suspended without pay. Subsequently, an arbitrator overturned that suspension and that went and continued for all of the department proceedings. At the same time there was an Officer Sabbazz who was also charged with assault and battery for on- duty misconduct and there was no suspension for Police Officer Sabbazz. So it becomes a situation where it becomes about picking and choosing. In this particular case with Officer Soto no criminal charges are void against him at this point. Obviously, if a felony warrant that they are saying that they were going to try and get had been issued than I wouldn't be standing before you here today. That hasn't been done. More importantly, nothing has been done by way of bringing any charges against him, including eight department charges. So were standing here today with bare allegations of alleged misconduct that occurred off duty and the department know wants to take this man, he's already suffered other consequences departmentally, which you all petitioned so you are all aware of his history. And they want to take this man and deprive him of his livelihood based on this mere allegations. True and we've talked about this Commissioner Blackwell that felony charges are only mere allegations. But there are such a magnitude that I believe and we've always believed that the felony allegation and a warrant obtained does have an affect on an individuals day to day operations of the department. And I raise this to you because we've raised this in the past and particularly Commissioner Holley has said well isn't there some time limit we shouldn't have to rely on the prosecutor office. And I don't disagree with that

Commissioner Holley. But I was here I believe it was June I believe it was the third in nineteen of 2004 and I don't believe that Commissioner Holley was here at the time. And this board granted the petition of then Chief Bully-Cummings for the suspension without pay on Police Officer Frankie Sanchez. Frankie Sanchez and we've read all of the arguments into the record and he is still sitting out there suspended without pay and no criminal file has been charged against him. And no department charges have been filed against him. But yet were here today on Officer Soto asking that on these mere allegations with suspension without pay. We were here as late as I believe until the middle of August for Officer Jones and again there were no charges void against Officer Jones either criminally nor departmentally. This board granted the petition of Ella Bully-Cummings and Officer Jones is still sitting out there with suspension without pay and without any charges brought against him. Two years ago members of this board I did not come before the board on another officer because there were felonies brought against him. We acted as we always do. When those felonies were dismissed commissioners we immediately petitioned the department to bring him back on the payroll pending an investigation. Nothing was done. He sat out there suspended, without pay.

Comm. Norris stated that she wants to ask a procedure because they've been having the discussion for quite a while. And I think you know that I'm not particularly sympathetic to your argument that these are just allegations because that's true with anything that's going to come before us at this stage. But I am sympathetic to your argument that the department has not seen fit to take any action at some point. It doesn't seem right that the officer should just be out there in limbo and I'm not asking about what the prosecutors decided to do because I don't believe that you need to have a criminal act to be suspended I know you and me disagree about that. But I do agree that the department does deem fit at some point to take action which I think needs to be action for discharge if they thought it was so bad that it should warrant suspension without pay. But they don't think it's appropriate to do that. The officer shouldn't still be out there. Procedurally if we don't contravene a suspension so the officer is suspended without pay does anybody, you or the department or the commissioners does anybody have the ability to bring that back to us.

Atty. Goldpaugh stated that, that's an interesting question because I don't know if we do or if we don't. We had to be quite honest with you; I've had those discussions with Ms. Ninowski regarding another individual which we did not come before the board on because of felonies. When those were dismissed at the preliminary post examination I had sent letters of course and there was some questions to whether or not they were going to be brought back. That matter has been resolved. So those letters were in- acted upon. We and from the union stand point and you know I don't do the grievance arbitrations those are done by Jim Morris Firm. But until the department does

something or in other words responds to my request to bring It back to work. Until they respond saying I'm not going to do it , or I'm going to do it there is no avenue, in fact I understand that supposedly with the Sanchez matter and if I knew that Assistant Chief Shoulders was here today. My understanding is that the matter is now going to be before Chief Shoulders as a grievance on the fourth level, sometime in the near future. That still doesn't get us to a grievance procedure. And yet were know sitting here today and I know what your positions are commissioner with respect but they don't have to have criminal charges. And I also agree that we all have to talk sometimes about thee underlined alleged misconduct. And again it's only on the allegations. But when you get to a point that Ms. Ninowski relies on the *Poullard* decisions, to say that well we can go to the underlined allegations.

Comm. Norris stated I don't want to debate that.

Atty. Goldpaugh stated I understand that Commissioner.

Commissioner Hampton entered the conference room at 3:38 p.m.

Comm. Norris stated my issue is I would be willing and I can't speak for my other Commissioners and I don't know procedurally what mechanism to make it happen, but I would be willing, if you came back at say 4 months after suspension without pay and you said at this point, there's been not only no more filed, but the department has not brought any charges, now I recognize the charges (inaudible) throughout the system, that's not you're (inaudible), but the department still hasn't even brought a charge, I want you to reconsider whether you will contravene. I would be amenable to that. I just don't know procedurally if there is a way to allow you to do that.

Atty. Goldpaugh stated I understand Commissioner. I guess Commissioner, what we are talking about in today's hearing is basically an article or hearing or arguments, because it's not a hearing, because there are no witnesses here that (inaudible) situation. We are talking about an Article 9 violation of the collective bargaining agreement. All Article 9 says is that, unless there are egregious or extraordinary circumstances, no officer regardless of his rank is to lose any pay until he has exhausted all of his administrative rights. And I understand that, but that's what the issue is here.

Comm. Norris stated Mr. Goldpaugh, you are welcome to argue, but you are not going to convince me right now on what the standard for Article 9 is. I have a belief of what I think the standard for Article 9 is and you are not going to agree. What I am saying, and Ms. Hooks maybe you could help. What I am saying is what you could convince me on is the staleness of certain things. If you can figure out a way that you are authorized, whether it is by sending a letter to the Commission, whether it is asking for re-argument, but I don't know. But, if you could come back and say, it has been four months, since you have

suspended this guy without pay, there is still no warrant and more importantly to me, still no disciplinary action of any sort by the department. All those names that you just mentioned and anybody in the future that gets stale, I might contravene at that point, whereas at the initial stage I might not contravene because I happen to think that the suspension is warranted because I think that perhaps severe disciplinary action is warranted.

Atty. Goldpaugh stated I understand your position and I understand what you are saying. I would welcome something along those lines. The problem is that, that does not...that begs the question as to what we are here for today.

Comm. Norris stated I already have an opinion on that.

Atty. Goldpaugh stated I know you do. So, whether or not the department has done anything about this, four months from now, doesn't change at least in your mind the severity of the allegation.

Comm. Norris stated right.

Atty. Goldpaugh stated so, that is what I am saying. It doesn't affect it.

Comm. Norris stated no, that's correct.

Atty. Goldpaugh stated there has to be something said.

Comm. Norris stated that's correct.

Atty. Goldpaugh stated I understand what your position is and I do understand the.... Then it gets to the problem that I have of the department's picking and choosing.

Comm. Norris stated I don't know enough about the fact of those cases, but I do know...and I will save Ms. Ninowski half of her speech. She is going to say that it is the underlined conduct. To say it is assault and battery, you could have fifty-two things that are assault and battery, but what actually happened in fifty-two cases are different. Some might rise to the level and some might not rise to the level. I don't know enough of the specifics of the cases that you just mentioned from memory to know the differences, but I could conceive that there would be situations where it would bear and situations where it would not bear.

Atty. Goldpaugh stated I understand that Commissioner, except those I would suggest, if that.... I don't want to open up another Pandora's Box, to be quite honest with you. I guess that is why we do have the Article 9, **Grover** findings and all of those. When you look at what **Grover** and Article 9 decision is suppose to be all about, it says, can the officer continue to work as a police

officer, even while these are against him. In the *Grover* situation that is what happened. Interestingly enough, in the McEntire matter, there was an altercation that occurred and he stayed on the job in the street, working as a police officer with no....

Comm. Norris asked didn't we just have an arbitration come back, where the arbitrator said because the person had had contact in the past, it was similar and there seemed to be no correction of that conduct, that was enough to uphold that arbitration.

Atty. Goldpaugh stated that may have been, I am not sure, I have not seen that.

Comm. Norris stated you are welcomed to argue the rest of all of them that you want, but you are not going to get me on whether this meets Article 9.

Chairperson Blackwell stated the point that you raised about should the Board in consultation with the Chief's Office talk about a sun setting for time of a resolution of these kinds of items after so many months. That's reasonable.

Comm. Norris stated that's right.

Chairperson Blackwell stated what that amount of time is, I don't know. Maybe it is five months or six months, I don't know. What I hear Mr. Goldpaugh saying is, you said a month. That's not really his argument here today. His argument is, is that the whole standard of whether or not allegations should be ground forced to be able to take this action. We have already...that's a mute point, but that has already been done.

Comm. Norris stated right.

Chairperson Blackwell stated so; the issue is that I think we should act on this particular item after we hear Ms. Ninowski based on the evidence presented. I think we should address that and make that an issue. I think, the way to make an issue is to set a certain amount of time and if we don't get resolution to it, they bring the issue back and then we will have the ability to reverse our....

Comm. Norris stated to contravene.

Chairperson Blackwell stated yes, to contravene. I think that is a way for us to establish that we just feel that we understand the punitive nature of suspension without pay, but just the unyielding time line on it, is a different issue.

Atty. Hooks stated I have listened to the all the positions that you all have just set forth. I will review the suspension policy, as well as the collective

agreement and any other related documents. I will then draft a procedure shortly, and present it to the Board for their approval. From what I am hearing, as long as there are no conflicts with say, the Charter or the collective bargaining agreement, I don't see any reason why we would not be able to go forth, but there is a concern about the time frame.

Chairperson Blackwell stated this is something that we would establish, because if we contravene today, we have that right.

Atty. Hooks stated this isn't about whether or not that you are going to contravene, this is about the procedure to bring these matters back before you and that's what I've already started looking at, that is what I'm talking about. I am not saying that you don't have the right to contravene that...

Chairperson Blackwell asked are you saying right now, if he decided on his own to bring it back in two months that he doesn't have the ability to do that?

Atty. Hooks stated I am talking about the procedure for doing that and just to make sure that there is nothing else out there that would interfere with that procedure or supercede the procedure that we would come up with.

Comm. Norris stated I think that it is good for you to look at what we technically what we can and cannot do. I would be most comfortable, both Mr. Goldpaugh and Ms. Ninowski are here and they both have heard the general will of this body. I would love to see the two of them agree on how this is going to work and then we could draft a procedure that fits that. If they don't agree, we will just do what we want to do. But I think they both know that we are inclined to do something here.

Atty. Hooks stated that is no problem, I'll we get with them and ask them to scratch something out and we will look at it and from there I will draft a policy.

Chairperson Blackwell stated before you actually draft the policy, I think that it would be incumbent upon us, in our committees, to discuss it a little bit.

Comm. Norris stated right, I agree.

Chairperson Blackwell stated we are in agreement on what that should be regardless to what you draft. So, that is why I was asking has there been an instance where, I though there was one, after a suspension people can actually come back and get a contravention.

Comm. Norris stated what we have had, most recently, with all of the officers from the Fourth Precinct, we had situations where the circumstances under which people were suspended, changed significantly. Those have not usually served formally, then brought back to us. We get a letter from somebody, we

get folks showing up in the audience coming and addressing us and the answer is always the department is now looking into considering what it is going to do and we tended to defer that and put some pressure on the department to do whatever it is going to do. But, I think what we are talking about now is something that would allow somebody to officially come back and have us either contravene or not.

Atty. Goldpaugh stated I would to briefly address the facts here.

Chairperson Blackwell stated you haven't done that.

Atty. Goldpaugh stated I haven't got that far yet.

Comm. Norris stated just in fairness to me, he did spend a whole bunch of time talking about those other people that have been out there for awhile.

Atty. Goldpaugh stated that's right, yes I did do that as well. Basically, the facts are allegations and we know that. It is interesting to note that according to the write up, they are going to submit certain documents for certain things. They may have certain things, maybe they don't. In looking at the way the stature is written, I find that it is going to be interesting that they are going to be able to prove those.

Chairperson Blackwell stated on the record they are looking at things that are things...if someone is listening to this tape, they don't have a clue. We need more specificity.

Atty. Goldpaugh stated I am talking about in the petition itself and it talks about the Internal Affairs and their investigation. The only problem that I see, when including Comm. Norris and Ms. Ninowski, when they talk about the standard and there are only mere allegations relying on looking at the underlined misconduct or the facts under these arguments. And, then we get back to **Poullard**, which is the arbitration decision that Ms. Ninowski relies on. Poullard was not in Article 9 arbitration decision. Poullard dealt with a suspension that this Board granted, when he was charged with a felony and after he pleaded to a misdemeanor, in fact two misdemeanors, a letter was forwarded to reinstate him. The arbitrators looked at not the fact that the felony had been dismissed, but now look at what had actually occurred and what was factual. So, there were no longer just mere allegations. Here, we have a problem with this officer; there is no doubt about that. He had a drinking problem and he is overcoming that drinking problem. He has been fighting that drinking problem for a number of years. And you have seen in your petition that he did have previous charges and they dealt with alcohol and they dealt with weapons. He suffered the consequences and he was suspended for a lengthy period of time. I have not meet with the officer since this incident, but I am only assuming, based on his allegations, that

unfortunately he may have fallen off the wagon. I don't know. But, at this point in time Commissioners, this is not the appropriate type of suspension without pay to deprive this man of his livelihood of his continued ability to, if he has been going to Personal Affairs and things like that. Of course, he can do those on his own and I understand that. But, this is not this type of situation without more than you have before you, to warrant a suspension without pay.

Comm. Holley asked do you admit that this officer has a drinking problem?

Atty. Goldpaugh stated it is in his record.

Comm. Holley asked are you admitting that on record as his attorney?

Atty. Goldpaugh stated that is correct.

Comm. Holley asked are you admitting that you have not talked to him since this problem?

Atty. Goldpaugh stated no.

Comm. Holley asked are you asking us to allow this?

Atty. Goldpaugh stated I am asking you to follow the contract and to follow the collective bargaining agreement.

Comm. Holley asked does Article 9 states that this person should be allowed to go on with these kinds of allegations?

Atty. Goldpaugh stated I think it does.

Comm. Norris stated that is pretty broad.

Atty. Goldpaugh stated I think it does, but if Comm. Norris wishes to interpret it that way, that is fine to. Commissioner, what I am here for, is actually the department and the Chief, who is asking you to take this man off the payroll. I am here to ask you not to do it and that is what this hearing is all about. I am asking you to sit and say, maybe the Chief should look at this and look at the alcohol problem that he has and let's wait to see before you actually take his livelihood away from him. And to take money out of his pocket, let's wait and see what this is really all about.

Comm. Hampton asked are you asking us to hold this in abeyance for a certain period of time?

Atty. Goldpaugh stated no, I am asking that you do not agree with her positioning. If charges are formally brought and particularly if they are felony

charges and they come back before this panel, I won't be standing in front of you. If there are other charges brought, then I may be standing in front of you.

Chairperson Blackwell stated let's be clear, we are not breaking new ground. We have suspended officers without pay...

Comm. Norris stated before this.

Chairperson Blackwell stated ...for less than felony charges.

Comm. Norris stated that is correct.

Chairperson Blackwell stated I am sure that when we hear from Ms. Ninowski, it is going to be behavior unbecoming a police officer. The issue is, do we look at this case, in its particular instance and we say that we agree based on what is being presented that his behavior was egregious, so therefore, we concur with the recommendation by the Chief or are we saying that we do not agree that that was egregious and therefore contravene the particular suspension request by the Chief. Number one, we have done it before, so it is not new. He is still arguing that we shouldn't be doing it, even though we are doing it.

Comm. Norris stated and he keeps making those arguments, but some of us have made up our mind about that one.

Chairperson Blackwell stated the point is allegation is funny. An allegation is an allegation. What he said is that a big alligator is worse than a little alligator because a big alligator has more teeth. It is still an allegation, but he has no problem with the big alligator...

Comm. Norris stated that is right.

Chairperson Blackwell stated it is the little alligator that he has a problem with.

Comm. Norris stated correct.

Atty. Goldpaugh stated I have more problems with the big alligators, but I can live with the little alligators.

Chairperson Blackwell stated but he doesn't fight the big alligators. So, the point is, they are still alligators, it's just one is bigger than the other.

Comm. Holley asked if they contravene it, that doesn't mean that the person goes back, it just mean that his pay is withheld?

Comm. Norris stated that is correct.

Chairperson Blackwell stated they don't go back on duty, we don't control that. That is the Chief's decision.

Comm. Holley stated it is very possible that this could be longer than four months in terms of a determination being made.

Chairperson Blackwell stated it has been longer in many other cases and I think what we want to do is....

Comm. Holley asked how long he has been suspended?

Chairperson Blackwell stated a couple of weeks on this one. Ms. Hooks is going to research the procedures and we are going to work with the Chief's Office and let them know how concerned we are about just having an open ended suspension without pay, without bringing it to a conclusion. But we don't have enough information, so the question today is just this guy.

Atty. Ninowski stated on behalf of the Detroit Police Department. The focus of this hearing or proceeding this afternoon is very narrow. It is under Article 9 out of the Detroit Police Officer's Association Collective Bargaining Agreement that deals with suspensions without pay and that is where you're authority lies to suspend an officer with pay for an act of egregious conduct based on the Collective Bargaining Agreement, the Detroit City Charter and the Rules and Regulations of the Detroit Police Department. This is the Department's petition, that was presented last Thursday regarding Officer Soto, requesting concurrence with the Chief's recommendation to suspend Officer Soto's duty status without pay. The facts were presented to you in summary form, last Thursday. I don't know if any of you wish for me to go through the facts at this time. But it is the department's position that the conduct that Officer Soto engaged in was egregious. It is so egregious that he cannot continue on as a Detroit Police Officer, his duty status must be suspended. Our position is based on the conduct that he engaged in. It has nothing to do with whether or not he is charged with a crime or any criminality. It is a pure conduct position that is supported by the past arbitration decisions. Most recently, you have Anthony Johnson, he was the officer, who was involved in cutting off the tip of a women's finger during the course of an arrest and there were no criminal charges in that case. Officer Nienhus was one of the officers, who was involved in a fatal vehicular pursuit and there were no criminal charges in that case. Both of their suspensions without pay were upheld. We have Officer Redmond, who was not charged with any criminality. His suspension without pay was upheld based on his conduct. So, certainly conduct is sufficient if it is egregious to warrant a suspension without pay. To make that determination, it is not an easy thing to do, it is based on a case by case review. Past arbitration decisions going back to the

first arbitration decision in *Roger Grover*, which is approximately 1985, indicates just that. It's a case by case review. What you have to remember is that the officer has a NACOLE remedy under the collective bargaining agreement. The officer does not agree with the decision today, of the Board of Police Commissioners or the Chief. The officer and the union can file a grievance. That grievance will go to a suspension without pay hearing. If the arbitrator makes a determination that the suspension without pay was unwarranted the officer will be awarded both pay benefits and seniority or a portion at the discretion of the arbitrator. Similarly, the arbitrator can decide that the suspension without pay was warranted and continue that suspension without pay as it has been done in the Nienhuis case, the Johnson case, and the Redmond case. Respectfully, today what I am asking on behalf of the department is that you concur with the Chief's recommendation to suspend the duty status of Officer Soto based on the egregious conduct that he did mention.

Comm. Holley asked is it appropriate to ask how long he has been in office?

Chairperson Blackwell stated yes.

Comm. Holley asked how long has he been in office?

Chairperson Blackwell stated he is asking how has been a police officer.

Atty. Ninowski stated I don't know, but I will try to find out, if you give me a minute to confer.

Chairperson Blackwell stated you have a sense of the Board's concern with not standing up and sometimes agreeing, or disagreeing, or contravening these suspensions. But on the length of time that a person is necessarily in limbo and that rather than there being a uniform period of time, time certain, or time not to exceed that we have the concerns that maybe, you know, if someone is done their done. There is concern up here, not necessarily for an act that officers commit because when they commit an egregious act they should be penalized. But the issue is a serious impact of a family that has a major bread winner no longer getting a check while they are going through this process. I think that's our concern. To punish, yes. To take away from their ability to be a police officer, yes. Just to know whether or not they are going to continue as a police officer or not and then somebody not having a check. I know a gentleman that have came in this room and talked about not getting a paycheck. Maybe there is nothing that we can do because of our open mind, they have to go through all of these exhausted steps. But I think what I here Comm. Norris and the rest of us saying is that we have some concerns about that, I do, that it just don't go on forever. I mean, I rather just, maybe through collective bargaining that we find a way to terminate this thing and be done with it. Rather, than somebody be six, eight or ninth months a

year without a paycheck, while they are still trying to go through this process. Maybe there is nothing that we could do. I am not suggesting that there isn't but we are going to look into seeing if there is something that we can do because we think that's a responsibility. I guess in asking, you heard Comm. Norris and she suggested that you and Mr. Goldpaugh get together, but I don't know if that is something that you are going to do or not. The point is, do you hear us?

Atty. Ninowski stated yes I do. The department and I sympathize and understand what you are saying. Officer Soto's appointment date with the department is May 6, 1996. With respect to your last point Commissioner, as I said, yes I do understand and I do sympathize. My particular issue and concern would be understanding where the problem lies. Is the problem with the suspensions without pay and the arbitrations that occur after? Is the problem/ concern with discipline, or is the problem/concern if an officer is restored to duty through the suspension without pay arbitration or through disciplinary arbitration, is that not happening quickly enough? I would like to know where the problem lies.

Comm. Norris stated for me it is the two stages, but I see us having more control over one than the other. One stage is just the disciplinary process; it takes a long time to get through that process. So, you don't know if somebody is going to be fired or not fired or what's going to happen to them. I know lots of things have been done to speed up that process. My bigger concern is where Mr. Goldpaugh and I agree is that a suspension is supposed to be for really egregious stuff and we differ on what we think it is. I think everybody agrees that it is supposed to be the exception of the rule. The standard that this Board has listened to from Chief's is this is stuff you should fire people for and these people are unfit to be in this department. And, if they are unfit to serve as officers, if they have done what's alleged here. And see you can't have them come into work and we shouldn't just put them on a paid vacation. If the department doesn't even take any action, six months down the line, that rings much more hollow to me than it does when three days after the department learns of something, it is trying to suspend somebody. It is quickly on it, which is what I think it should be. My biggest concern is, if the department thinks it is some important that they are going to send somebody home without a paycheck, it also ought to be so important that they then figure out what they are going to do with that person. If they can't because they are too busy, because there is lots of other stuff to do for whatever reason, the same consideration perhaps ought to be given to a person that is home without a check.

Atty. Ninowski stated if I may and I don't think that the department would disagree with you. There are two traps that we are talking about. With respect to the suspension without pay itself, that is initiated by the officer in

the union, not by the department. My understanding is that once that grievance is field the union can request an expedited arbitration...

Comm. Norris stated I am not talking about that process.

Atty. Ninowski stated I understand that.

Comm. Norris stated let's assume we don't contravene today, Mr. Goldpaugh can go grieve that or not. What I am saying is, even if I would stand by, not contravening it today, if six months from now the department still hasn't seen fit to take any action against this person, I'd contravene it. I'd contravene it at that point. Now, Mr. Goldpaugh could still pursue his arbitration on the first issue. I think what we're saying is there has to be some pressure to get off the dime at some point. If there isn't going to be that pressure then at least the officer shouldn't be penalized for that. To me that is where the real concern is.

Atty. Ninowski stated I do understand. You're talking about the disciplinary track and you're talking about the investigation track.

Comm. Norris stated I am talking about when the department is going to decide what they are going to do.

Atty. Ninowski stated I don't think anybody would disagree. I don't know that I could answer your specific question today, in terms of a timeline, if that is what you're looking for. But, I can find out and report back to you, I will be happy to do that.

Chairperson Blackwell stated I think that what the Board is kind of conferring is whatever it is, that they be quicker in terms of the finding of adjudication.

Atty. Ninowski stated I understand that.

Chairperson Blackwell stated to that extinct, we would like for you to come back with something or maybe the Law Department could work in consultation with the Chief's Office and come back with something that we can chew on. If it is not satisfactory, then we have the right if the procedures allow us to make a determination through our policy that you'll have that right or maybe whoever may be on their behalf to come back after a certain period of time or whatever. It is so different from the Chief because the Chief has the ability to suspend somebody without pay that doesn't even come here. Is that correct? The Chief could suspend with pay without coming to this Board.

Comm. Norris stated right.

Atty. Ninowski stated yes, that is correct, with pay.

Chairperson Blackwell stated if she decides to, she could also recommend a suspension without pay.

Atty. Ninowski stated yes.

Chairperson Blackwell stated so that gives her latitude to do something based on those circumstances. With us, what we are saying is that we don't have a right to be involved in the ability to pay somebody, but in effect we do. Because we are voting to contravene then we are saying that you don't have the ability on this particular case to take away the pay, not as long as they are a police officer. So, we can work together. What you have to take away from here is that if you go back on this Board back to Jerry Oliver's tenure, the whole issue in tenure has been we are going to raise the bar. We agreed that if there was enough to establish discipline decorum within the department, that issues that have never before came to the Board, we were willing to step up and do that and we have done that. But on the other hand, we have repeatedly seen these people come in and not know anything about their future, but family. We are living in a very rough time right now. It sounds like this particular event happened while this person was off duty with a drinking problem doing some crazy stuff. I don't know about you, but if you think taking away a paycheck will sober him up. So the issue is have you helped the neighborhood out by doing this or are we making the neighborhood more unstable. I'm not saying that were not. The issue is that we have to be more pragmatic in our approach to solve the real problem. All I am saying is that we've stepped up and meet the threshold when you guys said that you wanted to raise the bar. That is a real heard thing to do, when you are talking about taking a paycheck away. I rather just take the person away, if they are that bad. Because when you take a paycheck away, that's a much harder issue than what people than people think it is. If we know that we are never going to bring them back no matter what they do, then let's just do that or try to find a way to get there faster. So, what I want you to take from here, is that we stand with you on cracking down on folks that don't act right, but on the other hand we have to act right. We also have to make sure that we have some humanity, some decency, and some timelines. All we are saying is help us, help you and if you do that then we are going to stand with you because we all have basically signed off with the Chief that we want to make people act better because to be a police officer is a high standard. It's tough out there. We are losing people everyday. People, who are on the police department, are moving out of the community.

Comm. Hampton stated I share those sentiments. Often times, you have families that is hanging in a balance. If he or she is the bread winner of their family and that kind of penalty action is taken against them. He asked are they eligible to draw any employment during that time?

Comm. Norris stated no.

Comm. Hampton stated they are really in a catch 22.

Vice-Chairperson Ramirez asked do their medical benefits continue?

Atty. Ninowski stated everything is suspended.

Chairperson Blackwell asked what about the medical benefits for the children?

Atty. Ninowski stated yes.

Chairperson Blackwell stated they could have a right under COBRA to make premium pay.

Atty. Ninowski stated yes, I am sure they could, but in terms of what the department provides to them, everything is suspended.

Comm. Holley stated they can't co-pay without any income.

Comm. Norris stated the point is that we agree with the department's standard, but we have not agreed with Mr. Goldpaugh's standard. This is a very serious issue for us. If the department doesn't come up with a way that we can feel okay about this, we may have to change what we do, so that we don't feel like we are being inhumane.

Exec. Dir. Goss stated unless contravened by this Commission, the above suspension without pay will stand.

There were no contravention's to the above suspension without pay.

ANNOUNCEMENT OF GENERAL ORDERS

The following General Orders (Directives) will be presented and discussed on October 28, 2004:

• Directive 201.11: Alarms

Directive 204.2: Traffic Enforcement
Directive 304.4: Board of Review

• Directive 401.1: Performance Evaluation Ratings

NOVEMBER COMMUNITY MEETING

The Board of Police Commissioners' November Community Meeting will be held on Tuesday, November 9, 2004, in observance of Veteran's Day, which is on Thursday, November 11, 2004. The meeting will be held at the Brightmoor Community Center located at 14451 Burt Road, Detroit, Michigan 48223.

CITIZEN COMPLAINTS RECEIVED

	This Week	Year to Date
2004 - Weekly Count of Complaints:	16	1,327
2003 - Weekly Count of Complaints:	17	1,046

5. REPORT/PRESENTATION - CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS



BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of October 13th – October 19th, the *Narcotics Enforcement* and *Conspiracy Units* conducted 19 search warrants and 26 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ♦ 33 Felony arrests
- ♦ 81 Misdemeanor arrests
- ♦ 1 Juvenile detained

- ◆ 176.5 Grams of cocaine, 172.7 grams of heroin, 305.4 grams of marijuana street value \$382,682.00
- ♦ \$22,991.00 U.S. currency
- ♦ 6 Handguns
- ♦ 2 Long guns
- 2 Vehicles

During October 13th through October 19th, *The Gang Enforcement Section* conducted various patrol functions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ♦ 1 Arrested for "Carrying a Concealed Weapon-Person" Confiscated:
- ♦ .22 Caliber Semi-Automatic Handgun

During October 13th through October 19th, *The Vice Section* conducted Scalping Detail at the Ford Field Detroit Lions Football game, resulting in the following citations and confiscations:

- ◆ 1 Cited for "Sale Entertainment Tickets Greater Than Face Value"
- ♦ 2 Cited for "Sale Entertainment Tickets in Restricted Area"
- ◆ 14 Cited for "Offer for Sale Entertainment Tickets in Restricted Area" Confiscated:
- ♦ 26 Detroit Lions Football Tickets

Police/Community Intervention





THE VIOLENT CRIMES TASK FORCE

In September, the Violent Crimes Task Force (VCTF) Crime Analyst discovered a pattern of robberies occurring in the Third Precinct. As a result of a concentrated effort by both the VCTF and the 3rd Precinct, three (3) men were arrested in connection with 13 robberies.

FIRST PRECINCT

On October 16th, officers from the 1st Precinct responded to a "Robbery Armed Just Happened" run in Montcalm and John R. As a result of an investigation a man and a woman were arrested. Confiscated was a small blue steel automatic handgun.

SECOND PRECINCT

On October 16th, officers of the 2nd Precinct were on patrol in the area of Manor and W. Chicago. The officers investigated a large group of people violating city ordinances. Further investigation resulted in the arrest of a man for "Carrying Concealed Weapon-Person." Confiscated was a blue steel revolver.

SIXTH PRECINCT

On October 14th, officers of the 6th Precinct responded to the 7400 block of Memorial on a "Shots Fired" run. Upon arrival, the officers observed a man armed with a shotgun. The officers were able to talk the man into putting down his weapon and come out of the house without further incident. A brief foot chase ensued with a second man who fled out of the rear entrance. The second man was subsequently arrested. Confiscated were three (3) shotguns.

NINTH PRECINCT

On October 14th, officers of the 9th Precinct responded to the 18000 block of Fairport on a "Breaking and Entering in Progress" run. As the officers arrived at the scene, they observed three (3) men climbing out of a window at the rear of the location. After a brief foot chase, all three (3) men were arrested for "Breaking and Entering."

ELEVENTH PRECINCT

On October 13th, officers from the 11th Precinct Investigative Operations Unit, along with Wayne County Sheriff's Department deputies, served an arrest warrant in the 90 block of Colorado. A man was wanted in the connection of a robbery spree that began two (2) weeks earlier. He was arrested without incident. In addition, the man provided information that led to the arrest of two (2) other men involved in the robberies.

6. PRESENTATION – PLANNING & ACCREDITATION

DIRECTIVE 305.2: DETAINEE REGISTRATION

Insp. Jamie Fields gave the following PowerPoint presentation:

(See Attached)

Questions & Answers

Chairperson Blackwell asked did you say every person that comes in?

Insp. Fields stated I mean every person that is arrested.

Comm. Norris stated not you.

Chairperson Blackwell asked what if someone is brought in for outstanding tickets or whatever.

Insp. Fields stated they have an arrest ticket. That is how we keep track of prisoners. So, when the supervisor takes over the desk, he'll look at his chart and there would be an arrest ticket.

Chairperson Blackwell asked do you use the terms "prisoner and detainee" interchangeably?

Insp. Fields stated it is really detainee. We consider them detainees until they have been arraigned. Once they have been arraigned, they become a prisoner.

Chairperson Blackwell asked are they considered detainee's until you reach that conclusion?

Insp. Fields stated correct.

Comm. Hampton asked prior to now, you could hold a detainee up to 24 hours?

Insp. Fields stated no, prior to this time, the rule has always been arraigning prisoners within the legal time period that is given by the state law and Constitution.

Comm. Hampton asked detainees or prisoners?

Insp. Fields stated detainees.

Comm. Hampton asked can you hold someone for up to 72 hours for any reason depending on who the arresting officer is and how they fill their forms out?

Insp. Fields stated technically we put the 24 hour limit on the holds. Technically, you can only hold somebody as long as enough to arraign and the courts have established a 48 hour.... It is not really 48 hours, but the courts have said, if you get somebody before a judge within 48 hours, then the burden is on them to show that the police acted unreasonably. However, if you go over 48 hours then the burden shifts to the police and say there was a reason, but the judge has to buy your reason.

Comm. Hampton asked what is the average time it takes to process someone and check their prints out, to see if they are going to be held over for arraignment? Or when they could post bond?

Insp. Fields stated if it is just for a matter of traffic, time is relatively short. In fact, there is a law in Michigan called, "The Entering & Bond Act," which says that if someone gets locked up for something that they could post bond for and they don't have enough money to post bond, you don't even run their prints or do anything, you just let them post bond.

Comm. Hampton asked was that in affect when you incarcerated me?

Insp. Fields stated no.

Chairperson Blackwell asked when you pick them up, they are actually arrested?

Insp. Fields stated right.

Chairperson Blackwell asked do you bring anyone into the station that is not arrested?

Insp. Fields stated they are arrested first and then they don't become detainees until a supervisor looks at the report and determines that there is probable cause. Once, he determines that there is probable cause, then they assume the detainee status. If a supervisor determines that there is not probable cause they will be released right there.

Chairperson Blackwell asked is there a record?

Insp. Fields stated yes.

Chairperson Blackwell stated that is what I am asking. You are releasing somebody because they

Insp. Fields stated no, there is no arrest record. A supervisor has to file out a form that is provided by the Civil Rights Integrity Bureau, when they determine there is not a probable cause and they will fill out that form and there will be a record of that and they will make an entry in the blotter.

Comm. Norris asked is the person is arrested?

Insp. Fields stated the person is not arrested and they will not have a record on file.

Chairperson Blackwell asked do you find that a lot of kids from the community come in contact with the department never have records or do things that seem a lot more egregious than what you might find, for example, than what you might find like a kid living in the city might do. The point is that your record follows you wherever you go.

Insp. Fields stated we just finished writing a policy, that we hope will get approved in the next couple of months. As you know, we are in the accreditation process and CALEA requires certain things as far as juvenile and the necessity to us writing our Juvenile Policy. We cover a lot of the things that you have just discussed, as far as, juvenile diversion and different programs that are available out there. As far as, confidentiality of records and what is reported.

Chairperson Blackwell asked when you go to a person's home if they are arguing, are you required to take them in or not?

Insp. Fields asked if it is a domestic situation?

Chairperson Blackwell stated yes.

Insp. Fields stated there are certain rules under domestic violence on the officers' part. If they are just having argument then they wouldn't be required.

AC Shoulders stated I think that what you are referring to is that a lot of our young men and women that don't get the break that the well-to-do get, they are brought in. Once you make out the arrest ticket or give them a booking number, they are pretty much in the system, and then they will have an arrest record. When we lock up 16 and 17 year olds, who are hanging out at school, what is known as, "A Minor Unlawful of a Public Place." I have told people, if they are not causing any trouble or nothing, you can both issue them a ticket and take them back to the school, or you get them with a parent, so that they don't end up with an arrest record or something that we would

have to deal with down the road. I met with the Chief of the Detroit Public Schools and several other people, so that if we do lock up a lot of young men and women, for hanging out at school, there is a centralized location that we would take to the Detroit Public School and they will be processed there with a Detroit Public School officer and one of our officers and have the parents come there, so that we could talk to the parents, instead of giving them a booking number. We also look at thing for adults. We carefully scrutinize disorderly conduct arrest or disorderly person.

7. OTHER BUSINESS

Comm. Norris stated I would like to report that several of us went to the National Association for Civilian Oversight for Law Enforcement Conference. This is the third time that I have attended. Each time I have come back somewhat inspired and somewhat frustrated. I am Inspired because we send a good contingent and our folks are really committed. Not only do they attend everything, we have many discussions about things that could be done during the conference and outside of the conference. I am always really pleased to see our staff as invested as they are. I think that they represent us very well. I am discouraged that there is a whole lot that we should be doing, that we are not doing, sometimes just because we have not thought of it, sometimes in attention because I feel like we are advocating some of authority. It is difficult to see other commissions that have a lot less authority than we do, sometimes doing much more with what they have. I would like an opportunity at the Chair's discretion at some point, to present in some sort of summary fashion to the Board some of the thoughts that we had while we were there, so that the Board can have that as food for thought about things that we might be doing or that we could be doing better.

Chairperson Blackwell stated I will definitely look forward to that and you and Vice-Chairperson Ramirez could work together to bring something forward with some concrete steps.

Vice-Chairperson Ramirez stated the following workshops involved topics, such as, evaluating the officer involved in a shooting, search & seizure issues, the best investigative practices that can be done, police ethics, continuous training on all levels, politics of the union and the community.

Comm. Hampton stated they should have something for labor detail.

Vice Chairperson Ramirez stated that the members that attended also got an opportunity to speak to the independent monitor Sheryl Robinson, who also attended the conference. Also, our Atty. Denise Hooks is working on mediation, so that we could discuss it at a later date. The main purpose of the conference was how we conduct business and that we need to be more

innovative and creative in reaching out to the community and the police officers.

Comm. Holley stated I know your commitment and I know the Board's commitment to make sure that the community is involved. I was really disturbed with the open meeting we had last week, that the community wasn't involved in some of these issues of compliance. He asked what needs to be done to make sure that they are comfortable with what their community is involved with? Where are we falling short, if we are? What else do we need to do? What can be done, so that we are not approaching this without community involvement?

Vice-Chairperson Ramirez stated at the conference they really pushed that you might have all of the procedures that you wish, whether it collects dust or not, but the main thing is that you have to have continuous monitoring. If we don't monitor them, we are not going to get anywhere. There has to be continuous training and consistency. I think that it is good that we have auditors in the department, but I feel that we might need an independent auditor that would audit the auditors.

Comm. Norris stated in response to Comm. Holley's concern, Mr. Scott was in rare form. He was mad, passionate and incredibly persuasive because it was moved by only the best of concerns. I think that there is some stuff that we can fix and some stuff that we can't fix. What we can't fix, is that the consent decree is. There is no ability now to go back and be involved in negotiating the consent decree, it exists. In terms of the things that are done under the consent decree things like policies, those have to come to us. If the community is not satisfied with what's being done. We need to hear that and we need to come up with ways to make sure the community feels that it has its appropriate input because we could hold up stuff until we feel comfortable with that. Maybe what ought to happen is that, Comm. Holley if you want to engage in some discussions with Mr. Scott and others that have raised that concern and make some suggestions to us about how we could do it. I know that one way we have done was inviting community comment and putting things out publicly, so that people have time to comment and that sort of thing. If that's not adequate, that is something that we have the authority to fix.

8. ANNOUNCEMENT OF NEXT MEETING

Thursday, October 28, 2004 @ 3:00 p.m. Police Headquarters 1300 Beaubien, Rm. 328-A Detroit, MI 48226

9. ORAL COMMUNICATION FROM THE AUDIENCE

Ron Scott stated I thought that many of the things that we have raised with the Commission and the department were gaining some level of residence and that in affect that we were at least on the same path. I was very distressed when I heard members of the Civil Rights Integrity Bureau was making reference to the media, them us and etc. I felt that the presentation that was made was very technical in its approach. I thought that we had made some progress and then I saw a sort of defensiveness, a defensive posture that was presented that I don't think voted well for this department.

Comm. Holley stated I don't think this Board wants to be accused of not being involved with the community at the end of the day. Let's all move together and out together because at the end of the day, I want Chairperson Blackwell to say, that everyone was invited to the party and we have all signed off on this and we are moving forward, because we are going to have a better police department at the end of the day. He asked what else can we do?

Chairperson Blackwell stated one of the things that we promised was that the issues that the community or other individuals had, we said that we are not going to advance any policy as long as we felt that they was community addressed. The concerns I had, was being put together without any community input, which was more on the department side rather than the Board. I that Mr. Scott has been working with the Chief's Office on some things. I am sensitive because we do have a fiduciary responsibility. This thing is costing the city a lot of money. I think that this community has moved a great distance, in terms of working with the Board of Police Commissioners. This is a very proactive Board, in terms of public. The issue is that we still have a long way to go. If you talk to some of the people that were attending the meetings from the first day that I got here, they really feel that an effort is being made through our Office of the Chief Investigator, Denise Hooks and Dir. Bryant-Weeks to provide outreach to the community. We should also put the presentations that come before on the cable network.

Comm. Norris stated I think the issue is that there was a feeling that even though everything wasn't perfect, the Commission and the community agreed in the importance of doing some things and heading in a certain direction. I felt that the presentation that we heard, was very informative and had lots of good things that have been done. What was very defensive, in suggesting that we didn't really need to have all of this going on and that was a bit discouraging if that is the attitude of the folks that is doing it. My experience, with the folks (Insp. Fields and others) that are actually doing the work and training on it, are very passionate about it.

Mr. Scott stated in regards to the presentations for the directives, there should be a reactor panel or a focus group, to find out how they feel about the directive. So, that it won't be in the same manner that I thought that it took. We don't necessarily see the police department taking over by the federal government.

Chairperson Blackwell stated please be assured that we will not approve any policy until we exhaust all debate and we will continue to do that. I would also like to have a community forum, so that we could deal with these issues.

10. ADJOURNMENT

The meeting was adjourned at 4:57 p.m.

Respectfully submitted,

DANTE' L. GOSS Executive Director

Board of Police Commissioners

DLG/kdw